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EXAMINER
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CHOW, MING

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 12/18/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/836,724

Applicant(s)

LUKAS, GUENTER

Examiner

Ming Chow

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2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Drawings***

1. The drawings, Fig. 1 and Fig. 2 are objected to because proper legends are missing. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance

Also, Fig. 1 should be labeled as "Prior Art".

***Claim Objections***

2. Claim 9 recites the limitation "the primary resources" in claim 8. There is insufficient antecedent basis for this limitation in the claim.

3. Claims 1, 4, 8, 9 recites the limitation "CTI" which should be written out as a complete phrase instead of written as an acronym so that the limitation can be defined.

Also, claim 7 recites the limitation "S<sub>0</sub>" which should be written out and qualified as an interface.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claim 6 is rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al (US: 6529602).

Walker et al teach on Fig. 1C and Fig. 2 a communication connection between first user and a second user.

Walker et al teach on Fig. 2 PBX (claimed “digital switching system”).

Walker et al teach on Fig. 2 the components (items 21-25, 27, 28) of the vault (claimed recording system”) is the claimed “control equipment” Walker et al teach on column 6 line 44-67 the vault (claimed “control equipment”) controls the PBX to establish a to the party B. Walker et

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al teach on column 6 line 51-67 one party sends the recording request to the vault and the vault sends query to the second party (reads on claimed “the exchange of digital communication data between the recording system and the switching system”).

Walker et al teach on Fig. 1A “audio information” between party 1 and party 2 via the audio vault is the claimed “mirroring the communication”. Walker et al teach on column 6 line 47 the parties to talk directly to each other (reads on claimed “the communication connection between the first and second users”). Walker et al teach on column 7 line 1-2 the audio vault records (reads on claimed “issue a control command”) the phone conversation (reads on claimed “mirroring the communication”).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US: 6529602), and in view of Garcia (US: 6442247).

For claim 1, 8, 9, regarding “providing a CTI.....switching system”, Walker et al teach on Fig. 2 the components (items 21-25, 27, 28) of the vault (claimed recording system”) is the claimed “control system” and “the primary resources (as claimed in claim 9)”. Walker et al teach on Fig. 2 a PBX (claimed “switching system”).

Walker et al failed to teach “CTI connection between a control system and a switching system”. However, Garcia teaches on column 3 line 25-42 a switching system enhanced by a CTI connects to a data repository having recorded messages (claimed “recording system”).

Regarding “establishing a.....switching system”, Walker et al teach on column 6 line 19-43 a connection between party A and party B via a PBX.

Regarding “in response to establishing.....control system”, Walker et al teach on column 6 line 44-67 after the connections are established (claimed “in response to establishing the communication connection”), one of the parties sends a recording request via the PBX to the vault by pressing one or more buttons on a touch tone telephone (reads on claimed “CTI call message”).

Regarding “in response to the CTI.....recording system”, Walker et al teach on items 15, 6 telephone connection (via the PBX) between party1 and party 2 is the claimed “communication connection between the first user and the second user”. Walker et al teach on Fig. 1A “audio information” between party 1 and party 2 via the audio vault is the claimed “mirroring the communication”. The conversation between part 1 and party 2 must go through the PBX (claimed “switching system”). Therefore, the conversation audio signal must be sent (claimed “transferring”) from the PBX (claimed “virtual terminal”) to the vault for recording (claimed “storing”).

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It would have been obvious to one skilled at the time the invention was made to modify Walker et al to have the “CTI connection between a control system and a switching system” as taught by Garcia such that the modified system of Walker et al would be able to support the CTI connection to the system users.

Regarding claim 2, Walker et al teach on Fig. 1D and 1E recording and reproducing audio information. The communication connections for recording and reproducing audio information are pre-defined by the calling station and the called station.

Regarding claim 3, Walker et al teach on column 6 line 35 audio vault places a call (via the switch, item 26a Fig. 2) to party B. It is inherent the call made by the switch is controlled by the vault (claimed “recording system”) because the initiation of the call and the destination of the call are controlled by the vault.

Regarding claim 4, rejections as stated in claim 1 above described control information (pressing buttons) is sent from the PBX to the vault. Also, rejections as stated in claim 3 described the control information (vault calls party B) is sent from the vault to the PBX. These two control information sent between the vault and the PBX reads on the claimed “digital switching system exchanges control information with the digital recording system”.

Regarding claim 5, Walker et al teach on column 10 line 26-28 digital content of the conversation (reads on the claimed “digitized voice”).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al as applied to claim 6 above, and in view of Weishut et al (US: 6047057). Walker et al failed to teach “the digital data connection includes an S<sub>0</sub>”. However, Weishut et al teach on Fig. 1 connecting two end stations by an S<sub>0</sub> interface. It would have been obvious to one skilled at the time the invention was made to modify Walker et al to have the “the digital data connection includes an S<sub>0</sub>” as taught by Weishut et al such that the modified system of Walker et al would be able to support the S<sub>0</sub> to the system users.

7. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al as applied to claim 6 above, and in view of Waugh et al (US: 6324402).

Regarding claim 10, Walker et al failed to teach “the digital recording system is a personal computer”. However, Waugh et al teach on column 5 line 39-42 a personal computer configured to receive and store voice messages. It would have been obvious to one skilled at the time the invention was made to modify Walker et al to have the “the digital recording system is a personal computer” as taught by Waugh et al such that the modified system of Walker et al would be able to support the personal computer to the system users.

Regarding claim 11, the CTI connection between the vault and the PBX as taught by Walker et al is the claimed “data network”.



*Response to Arguments*

8. Applicant's arguments filed on 8/11/03 have been fully considered but they are not persuasive.

- i) Applicant argues, on pages 5-5, relative to the new amended limitations. New grounds of rejections relative to the amendments have been stated above. This new rejections lead this Office Action to be non-final.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

**Or faxed to TC2600's Customer Service FAX Number 703-872-9314.**

Patent Examiner

Art Unit 2645

Ming Chow



FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

